



WESTINGHOUSE BROADCASTING COMPANY, INC.  
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Chief Counsel

May 7, 1993

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Donna R. Searcy, Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Stop Code 1170  
Washington, D.C. 20554

Re: **Westinghouse Broadcasting Company, Inc.'s**  
**Comments in MM Docket 93-48**

Dear Ms. Searcy:

Enclosed for filing with the Commission is an original and nine (9) copies of Westinghouse Broadcasting Company, Inc.'s Comments regarding Policies and Rules Concerning Children's Television Programming, MM Docket 93-48.

Should there be any questions in connection with these Comments, please contact the undersigned.

Respectfully submitted,

Stephen A. Hildebrandt  
Chief Counsel

Enclosures

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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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**MAY 27 1993**

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )

Policies and Rules Concerning )  
Children's Television Programming )

Revision of Programming Policies )  
for Television Broadcast Stations )

MM Docket No. 93-48

To: The Commission

**COMMENTS OF  
WESTINGHOUSE BROADCASTING COMPANY, INC.**

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## SUMMARY OF COMMENTS

Group W supports the efforts of Congress and the Commission in encouraging broadcasters to program to meet the educational and informational needs of children. Guidance from the Commission in fulfilling these obligations is welcome. However, the Commission should take care to avoid rigid definitions and requirements which would limit the creative freedom of broadcasters to produce programs which will meet the particular needs of children in their individual markets.

Based on its experience in programming for children and analyzing the current marketplace of available children's programs, Group W draws the following conclusions:

1. **Standard-Length Programming.** Group W agrees with the Commission that broadcasters should rely **primarily** on standard-length programming in complying with their obligations under the Act. We believe this will ensure maximum viewing potential and allow consistent parental involvement. However, other broadcaster efforts specifically commended by the Act, such as short-segment programs, specials and non-broadcast activities, should not be ignored by the Commission in its renewal reviews. These can have significant benefit for children and reach audiences that standard-length programs might miss.

2. **Core Programming Requirements.** Group W supports the FCC

Commission must recognize that entertainment value is critical to attracting and retaining kid viewers to these programs. Local broadcasters are in the best position to determine whether a program's primary goal is education and information for the children in its local market. Therefore, consistent with the clear legislative history of the Act, the Commission should defer to the **good faith** discretion of the licensee in evaluating programming decisions at renewal time.

3. **Proposed Processing Guidelines.** Group W believes that quantitative processing guidelines are contrary to the intent of Congress, would be counter-productive, and are unnecessary to enforce compliance with the Act. The Commission has previously correctly interpreted the legislative history to find that quantitative standards can not be imposed. Such requirements would inhibit creativity and impede the development of the highest quality programming to serve our children. While the development of new children's programming has taken time, that programming is now coming into the marketplace and will result in an increase in the quantity and quality of programs broadcast.

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Policies and Rules Concerning	)	
Children's Television Programming	)	MM Docket No. 93-48
	)	
Revision of Programming Policies	)	
for Television Broadcast Stations	)	

**COMMENTS OF  
WESTINGHOUSE BROADCASTING COMPANY, INC.**

Westinghouse Broadcasting Company, Inc. ("Group W") hereby files comments in the above-referenced Notice of Inquiry ("Notice"). As owner of five (5) commercial television stations,<sup>1</sup> Group W supports the efforts of Congress and the Commission in ensuring that the educational and informational needs of children are adequately served in the overall programming of television stations.

The Children's Television Act of 1990 ("Act")<sup>2</sup> expressly avoided imposing specific programming guidelines on broadcasters. Rather, it accorded licensees substantial discretion in judging the type and amount of children's programming to broadcast on their stations on the basis that local broadcasters can best evaluate the educational and informational needs of children in their community and offer programming to serve those needs. In the spirit of that intent, Group W urges the Commission to decide this proceeding in such a manner as to permit broadcasters the creative freedom

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<sup>1</sup> KDKA-TV, Pittsburgh, Pennsylvania; KPIX, San Francisco, California; KYW-TV, Philadelphia, Pennsylvania; WBZ-TV, Boston, Massachusetts; WJZ-TV, Baltimore, Maryland.

<sup>2</sup> Pub. L. No. 101-437, 104 Stat. 996-1000, codified at 47 U.S.C. § 303a, 303b, 394.

to serve children, rather than burden them with rigid definitions and limiting requirements. At the same time, however, Group W understands and applauds the Commission's desire to provide additional guidance for broadcasters on how to properly comply with the Act. Therefore, Group W

numerous program offerings that potentially meet the requirements of the Act. For example, Broadcasting Magazine listed the following syndicated children's shows in a recent issue: <sup>3</sup>

<i>Adventures In Wonderland</i>	BVT
<i>Captain Planet &amp; the Planeteers</i>	TBS
<i>Bill Nye the Science Guy</i>	BVT
<i>The Edison Twins</i>	Grove TV
<i>Energy Express</i>	Tribune
<i>The Hallo Spencer Show</i>	Saban
<i>Kids of Courage</i>	Claster
<i>The Land of I</i>	Grove TV
<i>Mad Scientist Toon Club</i>	Saban
<i>Mental Soup</i>	MG/Perin
<i>New Adventures / Capt. Planet</i>	TBS
<i>Nick News</i>	Viacom
<i>Not Just News</i>	Twentieth
<i>Pick Your Brain</i>	Summit
<i>Real News For Kids</i>	TBS
<i>Romper Room</i>	Claster
<i>Scramble</i>	Pandora
<i>Scratch</i>	MMI
<i>Smart Show</i>	Augie Vision
<i>Teen Seen</i>	Promark/All American
<i>Timberwood Tales</i>	Dick Cignarelli
<i>Twinkle the Dream Being</i>	Zodiac
<i>What's Up</i>	Kristi Boyer
<i>Widget</i>	Zodiac
<i>Zoo Life With Jack Hanna</i>	Litton

Group W has reviewed many of these programs and believes many contain considerable educational and informational content for children. We are also aware of other programs which would qualify and are considering a number of these programs to augment our current children's lineups. In other words, both broadcasters and program producers have an incentive to create and broadcast standard length programming. Children enjoy programming they can turn to each week. Therefore, such programs should be a staple of broadcast compliance with the Act.

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<sup>3</sup> Broadcasting Magazine, May 3, 1993, p. 34.



However, other broadcaster activities specifically commended by the Act, such as short-segment programs, occasional specials, and non-broadcast children's activities, should not be ignored by the Commission in its renewal reviews. These can have significant benefit for children and reach audiences that standard length programs might miss.

For example, 30, 60 or 90-second kids' "news breaks" or PSAs can deal effectively with important subjects, such as drugs or the environment, and reach higher numbers of kids when aired within highly rated general audience programming. Some Group W stations have aired these short-segment programs during Saturday morning children's entertainment programming, reaching high numbers of kids with useful news and information messages.

Similarly, occasional hour-long specials with promotional campaigns tied in to schools, can have enormous pro-social impact. Such quarterly specials, arguably, have greater educational and informational impact than numerous weekly programs. For example, Group W's WBZ-TV in Boston, Massachusetts recently broadcast a public affairs children's special entitled "Word to Our Parents: Racism in Our Schools" focusing on recent racial disturbances at an area high school and supplemented with an examination of racial tension in other communities.

In conclusion, while emphasizing regularly-scheduled standard length programs is beneficial, the Commission should not lose sight of other informational and educational efforts of broadcasters and should give further guidance on how these efforts will complement standard programs during the license renewal review process.

## CORE PROGRAMMING REQUIREMENTS

Group W strongly supports the concept that programs constituting a station's core children's programming offering should place **primary** emphasis on serving children's educational and informational needs, and that entertainment value should be secondary to this objective. In this way the intent of the Act is properly implemented. However, the Commission must recognize the necessity of packaging educational and informational programming in an entertaining fashion in order to attract and retain young

The Commission's clear focus on programming whose explicit purpose is to educate and inform children is precisely the kind of policy statement which the Act invites. Broadcasters can easily follow such a policy in evaluating programming which purports to meet the requirements of the Act. For example, Group W followed this simple policy guideline in making its own determination that the following programs have educational and informational goals as their primary objective:

- *Beakman's World*: presents specific scientific concepts and science vocabulary in an entertaining fashion.
- *Nick News/W5*: a magazine program presenting news and features at a level understandable by kids.
- *Kids Of Courage*: reality show highlighting kids who displayed courage and good judgment in difficult situations.
- *Zoo Life With Jack Hanna*: teaches about animals, their habits, habitats and intelligence.
- *Not Just News*: a news and features magazine presented in an entertaining fashion and featuring live audience interaction.
- *Scratch*: selected segments focus on teen development, general teen concerns, and offer profiles of teen entrepreneurs.
- *Real News For Kids*: explains current news events to children in basic, understandable terms.

Group W believes that the FCC's proposed "primary purpose" test for "core" programming is useful, and is all that is needed. Any more intrusive attempt by the Commission to dictate how broadcasters program their stations to meet children's needs, or any attempt to second guess a broadcaster's good faith determination of a program's primary objective at renewal time, would go beyond the clear intent of the Act. Indeed, such

attempts could easily turn into the de facto system of "precensorship" which

## PROPOSED PROCESSING GUIDELINES

As detailed above, the Act explicitly provides for licensee discretion in determining children's programming that best serves the needs of the children in their communities and explicitly rejects establishing a minimum quantitative programming test. While a statistical snapshot of the industry today may not show a great increase in the quantity of qualifying children's programs, this picture is changing as programming is developed to meet the requirements envisioned by Congress.

The Act clearly intended to afford broadcasters maximum discretion in designing programming to meet the unique educational and informational needs of children in their respective communities. The imposition of uniform, inflexible processing guidelines would undermine the intention of the Act, and would not allow consideration of the unique needs of each market's community. Indeed, the Commission in the past has specifically rejected any proposals to quantify these requirements as contrary to the Act.

**"We declined to adopt minimum quantitative criteria, finding that the Act imposes no such quantitative standards, and the legislative history indicates that none should be imposed." <sup>9</sup>**

No statement could be more explicit. The Commission has already found that the Act simply does not allow for quantification of children's programming hours. It cannot now do a complete about-face and claim that

The legislative history could not be more clear in supporting the Commission's previous decision to reject quantitative guidelines:

**"The committee does not intend that the FCC interpret this legislation as requiring or mandating quantification standards governing the amount or placement of children's educational and informational programming that a broadcast licensee must air to pass a license renewal review pursuant to this legislation." <sup>10</sup>**

The Commission's experience with processing guidelines in other areas establishes that any numbers contained in such guidelines become de facto standards by which a licensee's performance is judged. Previously in this proceeding, the Commission recognized this fact by agreeing that:

"...the Commission's decision to reject quantitative guidelines is not inconsistent with the Commission's decision to reject qualitative guidelines."

However persuasive legislative intent and fears of rigidity are, there is a better, and even more current, reason for declining to adopt such processing guidelines. They simply are not needed.

The Commission has stated its purpose in issuing this Notice is to ensure that broadcasters are "aware of Congress' intent to expand and improve the level of educational and informational programming directed at children." <sup>14</sup> There was concern that the objective of the Act to **increase** the amount of such programming was not being met because renewals reviewed to date did not statistically indicate such an increase. Neither the Commission nor the Congress should be surprised by this statistic because it takes time for the programming industry to ramp up in order to provide the quality children's programming that broadcasters need under the Act. The 15 months which elapsed from the effective date of the programming requirement to the issuance of this Notice is a fairly short period of time in the program development marketplace. Programs take time to develop from the concept stage to planning, to production, to pilot, to air-testing, to roll-out for sale to stations, and, ultimately, to purchase by stations and scheduling for broadcast.

Group W believes that great strides have been made in the availability of children's programming and that broadcasters are on the verge of significant increases in the amount of qualifying programming which will be broadcast.

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<sup>14</sup> Notice at para. 1.

Here is support for our belief:

- At least 25 children's programs are currently being offered in syndication. (See list on Page 3 above).
- Group W has reviewed many of these programs and found significant educational and informational content.
- Most of these programs were simply not available two years ago when the Act was passed.
- Syndicators are regularly announcing new programs which will qualify.
- Group W, as well as other broadcast groups, are working on their own children's programs to supplement what is otherwise commercially available.
- All four networks have announced plans to augment their children's efforts with programs that will satisfy the Act's criteria.

As the supply of children's programs increases, the amount of children's programs broadcast will increase. Therefore, processing guidelines, as a means of encouraging better performance from licensees, are simply not needed.

There is also a real danger in excessive quantitative expectations. If each broadcaster were forced to program a specific high number of hours for kids each week, our children are likely to get a melange of low quality, low concept, low production-value, "schlock" programs, which they will refuse to watch. This result would clearly make quantity requirements counter-productive. If these resources, instead, are put into a few excellent programs.



So, what can the Commission expect from broadcasters in the future if rigid quantification requirements are not adopted? At Group W, we are moving toward two to three standard length programs per week. either

programming is now coming into the marketplace in sufficient quantity to allow broadcasters to fulfill their obligations under the Act. The Commission should let this marketplace work and not impose rigid, quantitative requirements, even if they are only processing guidelines, which would curtail creativity and, ultimately, reduce viewing of these programs by children.

Respectfully submitted,

WESTINGHOUSE BROADCASTING  
COMPANY, INC.

A handwritten signature in dark ink, appearing to read "SA Hildebrandt", is written over a horizontal line.

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